

REGULAR MEETING, NOVEMBER 18, 2019

The Regular Session of the Deadwood City Commission convened on Monday, November 18, 2019 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Mayor Ruth Jr. called the meeting to order with the following members present: Department Heads, City Attorney Quentin L. Riggins, and Commissioners Michael Johnson, Sharon Martinisko, Charlie Struble, and Gary Todd. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Martinisko moved, Johnson seconded to approve the minutes of November 4, 2019. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Struble moved, Todd seconded to approve the November 18, 2019 disbursements. Roll Call: Aye-All. Motion carried.

ACE HARDWARE OF LEAD	SUPPLIES	221.41
ACE INDUSTRIAL SUPPLY	SUPPLIES	9,000.30
ADAMS MUSEUM	OPERATING	115,000.00
ADAMS SALVAGE	SERVICE	9.55
ALBERTSON ENGINEERING	PROJECT	23,900.56
AMAZON	SERVICE	682.39
ARCADIA PUBLISHING	SERVICE	125.34
ARMOUR ROOFING	PROJECT	49,961.30
BAUCOM, BRADFORD	PROJECT	4,390.39
BECK'S NURSERY	TREES	2,256.68
BICKLE'S TRUCK	SUPPLIES	2,637.22
BH CHEMICAL	SUPPLIES	1,607.48
BH OCCUPATIONAL	TESTING	30.00
BH PIONEER	SERVICE	589.14
BH TENT & AWNING	PROJECT	9,846.59
BH TITLE	REPORT	600.00
BH WINDOW CLEANING	CLEANING	290.00
BSN SPORTS	SUPPLIES	67.49
BUTLER MACHINERY	SUPPLIES	6,555.48
CAI CONSTRUCTION	PROJECT	43,729.00
CHAINSAW CENTER	RENTAL	1,707.79
COCA COLA	SUPPLIES	1,575.37
CONRAD, TRAVIS	REIMBURSEMENT	205.00
CULLIGAN	SUPPLIES	160.00
DAKOTA LUMBER	PROJECT	19,111.26
DAKOTA TITLE	REPORT	360.00
DEADWOOD CHAMBER	OUTLAW SQUARE	20,000.00
DEADWOOD ELECTRIC	REPAIRS	184.12
DVFD	REIMBURSEMENT	450.00
DEADWOOD HISTORY	PROGRAMS	11,106.67
DEADWOOD-LEAD ECONOMIC	ALLOCATION	48,000.00
DHARMA TREE CARE	SERVICE	600.00
DONARSKI LAWN CARE	PROJECT	13,079.50
DRINGMAN, PAT	REIMBURSEMENT	222.59
EB COMMUNICATIONS	SERVICE	110.00
FALL RIVER COUNTY PIONEER	GRANT	5,250.00
FASTENAL	SUPPLIES	121.07
FERBER ENGINEERING	SERVICE	1,965.30
FLAT EARTH SIGN	SIGNS	1,605.00
FLOYD'S TRUCK CENTER	SUPPLIES	86.60
GALLS	UNIFORMS	28.08
GARDNER CONSTRUCTION	SERVICE	900.00
GOLDEN WEST	SERVICE	1,634.63
HILLYARD	SUPPLIES	139.78
HOMETOWN TROLLEY	SUPPLIES	43.40
J. PATTERSON PARK	SERVICE	675.00
JACOBS WELDING	SERVICE	302.72
KDSJ	SERVICE	260.00
KNECHT HOME CENTER	PROJECT	3,368.28
KONE	MAINTANENCE	470.34
L-D YOUTH SOCCER ASSN.	REFUND	500.00
LAWRENCE CO. REGISTER	FEE	120.00
LEAD-DEADWOOD SANITARY	CONSUMPTION	29,212.15
LED LIGHTING SOLUTIONS	SIGNS	1,836.12
LYNN'S	SUPPLIES	41.19
M & T FIRE AND SAFETY	SERVICE	1,620.00
M&M SANITATION	RENTAL	242.74
MIDCONTINENT TESTING LABOR	TESTING	42.75
MS MAIL	SERVICE	1,341.10
NATIONAL ALLIANCE OF PRESE	MEMBERSHIP	50.00
NATIONAL MAIN STREET CENTE	MEMBERSHIP	295.00
NELSON, MARY JO	CONSULTING	225.00
NETWORK SERVICES	SUPPLIES	227.43
NH FRATERNAL ORDER	DUES	450.00
NICKLES, KACIE	PROJECT	3,125.00
NORTH CENTRAL INT'L	SUPPLIES	62.64
NORTHERN HILLS TECHNOLOGY	SERVICE	32.50
OFFICE DEPOT	SUPPLIES	186.12
PANNIER	SIGN	718.00
PEARSON, JACI	PROJECT	2,025.00
PETTY CASH	FINANCE	217.97
QUILL	SUPPLIES	910.44
RAPID DELIVERY	DELIVERY	13.23

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RASMUSSEN	PROJECT	6,823.29
RCS CONSTRUCTION	PROJECT	47,755.00
REGIONAL HEALTH	TESTING	177.00
RODGERS, BARRY	REIMBURSEMENT	241.46
RUSHMORE OFFICE	SUPPLIES	263.75
SD CHAMBER OF COMMERCE	SERVICE	20.00
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT. OF CORRECTIONS	FIREWISE	7,049.56
SD DEPT. OF LEGISLATIVE	AUDIT	21,178.50
SD DEPT. OF REVENUE	TAX	3,529.14
SD GOV. FINANCE OFFICERS	DUES	130.00
SD GOV. HUMAN RESOURCE	DUES	50.00
SD MUNICIPAL LEAGUE	DUES	1,993.58
SD ONE CALL	SERVICE	42.56
SD SCHOOL OF MINES	WORKSHOP	875.00
SJOMELING, ROBERT	PROJECT	2,159.54
SOUTHSIDE SERVICE	REPAIR	97.00
SPEEDTECH LIGHTS	SUPPLIES	941.38
STURDEVANT'S	SUPPLIES	1,752.58
SUMMIT SIGNS	SIGNS	561.00
TERRONES, LUIS	PROJECT	620.35
TRINITY UNITED METHODIST	WREATHS	1,762.00
TRIPLE K	SERVICE	976.50
TRUCANO, JIM	PROJECT	1,504.54
TWELVE SAGE PINES	SUPPLIES	30.00
TWILIGHT	SUPPLIES	903.17
TWIN CITY HARDWARE	SUPPLIES	3,856.83
ULINE	SUPPLIES	81.55
UNDERHILL, RON	PROJECT	108.00
VERIZON CONNECT	SERVICE	109.75
VIEHAUSER ENTERPRISES	SERVICE	85.00
VIGILANT BUSINESS SOLUTION	SERVICE	302.00
WASTE CONNECTIONS	SERVICE	7,491.60
WEST RIVER HISTORY	REGISTRATIONS	95.00
WESTENDORF, RANDY	PROJECT	3,449.00
WINTER & COMPANY	PROJECT	5,769.00
TOTAL		\$601,331.38

CONSENT

Johnson moved, Martinisko seconded to approve the following consent items. Roll Call: Aye-All. Motion carried.

- A. Renew Wine and Alcohol Licenses for 2020, pending payment of Business Improvement District and property taxes.

APPROVAL OF APPLICATIONS FOR LIQUOR/WINE LICENSE RENEWALS FOR 2020

CONVENTION CENTER LICENSES

Blue Sky Gaming, Tin Lizzie Gaming Resort (CL-505)
BY Development Inc., Cadillac Jacks (RL-504)
Cliff Street, LLC, Deadwood Comfort Inn (CL-501)
Deadwood Hospitality Resort LLC, Deadwood Gulch Resort (CL-15404)
Deadwood Resort LLC, The Lodge at Deadwood, (CL-509)
First Gold, Inc., First Gold Hotel, (CL-502)
Gold Dust Lodging Group LLC, Holiday Inn Express Hotel & Suites (CL-503)
GR Deadwood LLC, Mineral Palace Hotel & Gaming (CL-507)
Historic Deadwood Convention Facility, LLC, Wooden Nickel, Iron Horse Inn, Martin Mason Hotel, (CL-511)
Hotel Franklin Inc., Historic Franklin Hotel (CL-506)
NMD Venture, NMD Venture -Hickok's Hotel & Casino (CL-508)
ZCN LLC, Deadwood Mountain Grand Hotel & Casino (CL-510)

PACKAGE (OFF-SALE) LIQUOR

Black Diamond Capital LLC, Gold Dust (PL-4520)
Blue Sky Gaming, Tin Lizzie Gaming Resort, (PL-4521)
Deadwood Hospitality Resort, LLC., Deadwood Gulch Resort, (PL-4522)
GR Deadwood LLC, Mineral Palace Hotel & Gaming, (PL-4524)
Packhorse Liquor & Convenience Inc., Pack Horse Liquor & Convenience (PL-4523)

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RETAIL LIQUOR LICENSES

Black Diamond Capital LLC, Gold Dust (RL-5792)
B.P.O Elks Lodge #508, Elks Lodge (RL-5540)
Bullock Hospitality, Bullock Hotel (RL-5542)
Full Throttle S'loonshine, LLC, Deadwood Distillery (RL-5534)
Midnight Star Enterprises, Midnight Star I & II (RL-5995)
Midwest Motels of Deadwood, Buffalo Bodega (RL-5535)
Nugget Saloon, LLC, Nugget Saloon, (RL-5536)
Old Style Saloon No. 10 Inc., Saloon No. 10 (RL-5537)
Super G Investments Inc., Silverado Gaming Establishment (RL-5538)
VFW Post 5969, VFW (RL-5541)

RETAIL (ON-OFF SALE) WINE

Angels Attic Uncorked, Angels Attic (RW-20691)
Blue Sky Gaming Inc., Tin Lizzie Gaming Resort, (RW-6491)
BY Development Inc., Cadillac Jacks, (RW-6537)
Deadwood Hospitality Resort LLC, Deadwood Gulch Resort, (RW-6401)
Deadwood Resort LLC, The Lodge at Deadwood, (RW-19226)
DGS LLC, Deadwood Gulch Saloon, (RW-6646)
Fairmont Hotel Corp., Fairmont Hotel, (RW-6461)
Family Dollar Stores of SD, Family Dollar (RW-26390)
Gold Run LLC, Super 8 Deadwood, (RW-6447)
GR Deadwood LLC, Mineral Palace Hotel & Gaming, (RW-6480)
H&H Deadwood LLC, His & Hers Ale House and Wine Bar, (RW-21479)
Hotel Franklin Inc., Historic Franklin Hotel, (RW-6643)
Jackson Winery & Vineyard LLC, Belle Joli Winery, (RW-7568)
Lynn Milos, M.S. Mail, (RW-22642)
Mary Larson, Deadwood Dicks, (RW-20965)
Mustang Sallys Inc., Mustang Sallys, (RW-6499)
Old Style Saloon No. 10 Inc., Saloon No. 10, (RW-19210)
Richard & Marguerite Olesen, Deadwood Wild Bills Trading Post (RW-21777)
Scott & Sharon Jacobs, Jacobs Gallery (RW-25947)
Super G Investments, Inc., Silverado, (RW-6436)
Vaughn Mary Boyd, Deadwood Tobacco Company, (RW-6648)
Willy's Wild West Inc., Deadwood Station, (RW-20626)
Winery Hill City LLC, Naked Winery Deadwood, (RW-24025)
ZCN LLC, Deadwood Mountain Grand Hotel & Casino (RW-21330)

- B. Acknowledge waiver of wine license fee for Adventure Pizza LLC (dba Burnout Pizza) due to a typographic error on their license issued from the SD Department of Revenue.
- C. Permission for Recreation Center to expend up to \$6,085.00 to NuStep, LLC for the purchase of a T5 Recumbent Cross Trainer machine. (To be paid from Rec Center Equipment Budget.)
- D. Approve Resolution 2019-33 to Surplus City Property.

RESOLUTION NO. 2019-33

TO DECLARE THE FOLLOWING SURPLUS PROPERTY

BE IT RESOLVED by the Deadwood City Commission that the City of Deadwood approve the following to be declared surplus and destroyed:

HP Compaq 15520 CE 800MHz	Serial No: CNV71203V0
HP Compaq 6000 Pro Small Form Factor	Serial No: 2UA1141P5W
HP Compaq 60000 Pro Microtower	Serial No: MXL9450S3N
HP Compaq 6510b	Serial No: CNU8432AVS
HP Z230 Tower Workstation	Serial No: 2UA5132BH4

Dated this 18th day of November, 2019

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

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- E. Permission for Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Bob Shama and Mike Shama.
- F. Permission to purchase 5500 gallons of diesel fuel at \$2.69 per gallon from Southside Service.
- G. Permission to pay Integrated Parking Solutions, LLC in the amount of \$3,456.00 for Annual Maintenance of software and handheld device. (To be paid from Parking & Transportation Professional Services budget.)
- H. Permission to hire Black Hills Tent & Awning to fabricate and install canvas curtains for gazebo at Outlaw Square for a cost not to exceed \$8,953.74. (To be paid by HP Capital Assets.)
- I. Permission for Mayor to sign addendum to agreement with Deadwood Alive for 2020 calendar year.
- J. Permission to hire MS Mail to print and mail 2020 City calendar in the amount of \$2,850.00. (To be paid from HP budget.)
- K. Permission to hire Viehauser Enterprises to install door access control system for Outlaw Square in the amount of \$7,054.78. (To be paid from HP Capital Assets.)
- L. Permission to hire Viehauser Enterprises to install security cameras at Outlaw Square in the amount of \$11,909.33. (Payment to be split among Public Buildings, Police and Parking & Transportation equipment budgets.)
- M. Approve Resolution 2019-34 Transferring Bid 7 Contract to reallocate funds from TenTexKota, LLC to ZCN, LLC.

**RESOLUTION NO. 2019-34
RESOLUTION TRANSFERRING BID 7 FUNDS**

WHEREAS, the City of Deadwood administers BID District 7 on behalf of the property owners comprising BID 7;

WHEREAS, Deadwood Mountain Grand recently transferred all its assets, including the right to receive BID 7 funds, from TenTexKota, LLC to ZCN, LLC;

WHEREAS, the BID board for BID 7 met on October 8, 2019, at 1:30 pm, and after a motion and second, unanimously approved the transfer of all funds from TenTexKota, LLC to ZCN, LLC;

NOW THEREFORE, the City of Deadwood has approved the transfer of all BID funds held by the City on behalf of BID 7, as well as all future funds collected to ZCN, LLC.

Dated this 18th day of November, 2019

ATTEST:

CITY OF DEADWOOD

/s/ Jessica McKeown, Finance Officer

/s/ David Ruth Jr., Mayor

- N. Permission for Mayor to sign updated Parking Lease Agreement with First Baptist Church. (replaces previous contract approved September 3, 2019)
- O. Permission to hire P & L Carpentry to install pigeon mitigation efforts at Cold Storage in the amount not to exceed \$4,059.00. (To be paid from Public Buildings.)
- P. Permission to purchase new VPlow with additional mounting kit to be installed on existing vehicles in the amount not to exceed \$8,095.00 from Big Tex Trailer World. (To be split and paid from Parks, Streets and Public Buildings equipment budgeted line items.)
- Q. Permission for all metered and transient parking, including Broadway Parking Garage, revenue received from free holiday parking (November 28th – December 26th) to be earmarked as donation to local non-profit organizations as designated by City Commission at 1/9/2020 meeting.
- R. Permission to pay Rasmussen Mechanical for circulation pump and re-fill of glycol system at Days of '76 Museum, for a total amount of \$6,691.57. (To be paid from Public Buildings.)

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BID OPENINGS

Garbage Collection

Mayor Ruth stated one bid was opened for Garbage Collection at 2:00 p.m. on November 14 as advertised. Bid bond were included in the following bid submittals:

Letter received from Kieffer Sanitation stating they were not bidding the contract.

Sander Sanitation –

Residential Household \$16.74 per month plus city administration fee.

Residential Household with curbside recycling \$21.13 per month plus city administration fee.

Public Works Director Nelson Jr. explained the bids. Commissioner Martinisko stated Kieffer was not able to adjust rates during the years of the current contract. Commission Johnson asked for clarification of curbside recycling if container is provided. Nelson Jr. replied City will provide first container, and resident will have to enroll for the container. He also stated recycling is limited only to that container, and no cardboard allowed. After discussion, Martinisko moved, Johnson seconded to approve residential household with curbside recycling at \$21.13 per month plus city administration fee, and direct city attorney to prepare contract. Discussion was held concerning fee. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Grand Opening

Public hearing was opened at 5:14 p.m. by Mayor Ruth. Bobby Rock, Outlaw Square Director, was present to answer questions.

Martinisko moved, Johnson to approve street closure on Deadwood Street from Main Street to Pioneer Way from 4:00 p.m. to 8:00 p.m. on December 6, 2019. Roll Call: Aye-All. Motion carried.

Kris Kringle's Market

Public hearing was opened at 5:16 p.m. by Mayor Ruth. Bobby Rock, Outlaw Square Director, was present to answer questions.

Martinisko moved, Johnson to approve street closure on Deadwood Street from Main Street to Pioneer Way from noon on December 13 to 9:00 p.m. on December 14, 2019. Discussion was held concerning street closure. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to allow the relaxation of the open container ordinance on Deadwood Street from Main Street to Pioneer Way and Outlaw Square from 5:00 p.m. to 8:00 p.m. on Friday, December 13. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to allow the relaxation of the open container ordinance on Deadwood Street from Main Street to Pioneer Way and Outlaw Square from 10:00 a.m. to 8:00 p.m. on Saturday, December 14. Roll Call: Aye-All. Motion carried.

Mayor Ruth Jr. asked Facilities and Transportation Director Kruzel as part of the events committee to identify Deadwood Street and Outlaw Square as Zone 3 for open container.

Ball Drop

Public hearing was opened at 5:26 p.m. by Mayor Ruth Jr. John Rystrom, Silverado, was available to answer questions, hearing closed.

Todd moved, Struble to approve street closure on Main Street from Pine Street to Lee Street from 11:50 p.m. on December 31, 2019 to 12:10 a.m. on January 1, 2020 for the New Year's Eve Ball Drop at the Franklin Hotel. Roll Call: Aye-All. Motion carried.

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SnoCross

Public hearing was opened at 5:27 p.m. by Mayor Ruth Jr. Sarah Anderson, Deadwood Chamber, was available to answer questions.

Martinisko moved, Johnson seconded to allow the relaxation of the open container ordinance at the Event Complex from 10:00 a.m. Friday, January 24 to 2:00 a.m. on Saturday, January 25, 2020. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to allow the relaxation of the open container ordinance at the Event Complex from 8:00 a.m. Saturday to 2:00 a.m. on Sunday, January 26, 2020. Roll Call: Aye-All. Motion carried.

Todd moved, Struble seconded to approve waiver of banner fees, special full temporary liquor license for Chamber, and allow fireworks display at 6:00 p.m. on Friday January 24 and Saturday January 25, 2020. Roll Call: Aye-All. Motion carried.

K9 Keg Pull

Public hearing was opened at 5:31 p.m. by Mayor Ruth Jr. Sarah Anderson, Deadwood Chamber, was available to answer questions.

Martinisko moved, Johnson seconded to allow the relaxation of the open container ordinance on Main Street from Tin Lizzies Gaming Resort to Masonic Temple, Broadway Street from Wall to Shine, Sherman Street from Pioneer Way to the south side of Pine Street, Deadwood Street from Pioneer Way to Sherman Street, Siever Street, Pine Street from Main Street to Sherman Street and Lee Street from Pioneer Way to 83 Sherman Street from 12:00 p.m. to 10:00 p.m. on Saturday, January 25, 2020. Roll Call: Aye-All. Motion carried.

Todd moved, Struble seconded to approve street closure on Deadwood Street from Main Street to Pioneer Way, from 9:00 a.m. to 6:00 p.m. on Saturday January 25, 2020. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Contract Extension

City Attorney Riggins stated this corrected contract corrects previous contract, which didn't have the full 20 years to extend. Johnson moved, Martinisko seconded to allow Mayor to sign corrected contract extension and second addendum to assignment and ledge agreement for TIF 10, Optima LLC, updating final date to be the statutory limit of 20 years. Roll Call: Aye-All. Motion carried.

Contract

Historic Preservation Officer Kuchenbecker explained the additional wall. Martinisko moved, Johnson seconded to allow Mayor to sign contract with CAI2 Construction for additional retaining wall at 336 Williams Street in the amount not to exceed \$25,732.13. Roll Call: Aye-All. Motion carried.

Permission

Finance Officer McKeown spoke about the project, the change in scope of work to allow for the lights. She stated \$595,425.45 was the difference for the lights from original bid, \$6,605.70 was Parks for weed barrier and landscaping rocks, \$13,000.00 was Streets for street alignment at Cemetery Street and \$10,111.66 was Parking and Transportation for rapid flash beacons at Rec. She also stated a prior year adjusted will be made with the help from Legislative Audit. After discussion, Martinisko moved, Todd seconded to pay SD Department of Transportation in the amount of \$633,118.15 for 2016 Highway Project just closed in September 2019, to be paid by budget supplement. Roll Call: Aye-All. Motion carried.

Permission

McKeown stated this bond is for the Rec Center 2009 Sales Tax Bond, known as the extra penny. She stated savings would be \$742,500.00. Todd moved, Struble seconded to call Sales Tax Revenue Bonds, Series 2009B for final payoff in the amount of \$2,221,382.33 with a due date of December 30, 2019. Roll Call: Aye-All. Motion carried.

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Contract

Nelson Jr. spoke about the clarification of the contract. Martinisko moved, Struble seconded to allow Mayor to sign addendum to contract for service work with Utility Service Company, Suez. Roll Call: Aye-All. Motion carried.

Contract

Nelson Jr. spoke about the purchase. Martinisko moved, Johnson seconded to allow Public Works to prepare contract with Butler Machinery, for the lease of 2020 Skid Steer Loader. No funds expended in 2019 with lease payments to begin as budgeted in 2020, with annual appropriation. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Zoning Administrator Russell stated the official City of Deadwood Facebook page has been launched. He said this will be used in conjunction with code red, street closures, events and other information for residents.

Kuchenbecker stated Mt. Moriah was up 5% from previous year in attendance.

Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2(3) and personnel matters per SDCL 1-25-2 (1) with possible action.

ADJOURNMENT

Johnson moved, Martinisko seconded to adjourn the regular session at 5:52 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) and personnel matters per SDCL 1-25-2 (1) with possible action. The next regular meeting will be on Monday, December 2, 2019.

After coming out of executive session at 6:38 p.m.

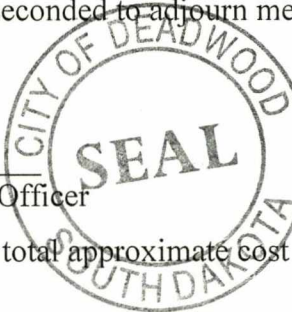
Martinisko moved, Johnson seconded to place Scott Rief on leave without pay effective November 18, 2019. Roll call: Aye- All. Motion carried.

Martinisko moved, Johnson seconded to allow Mayor to sign Collateral Real Estate Mortgage (CREM) in the amount up to \$50,000 for Misty Morse. Roll call: Aye- All. Motion carried.

Martinisko moved, Johnson seconded to adjourn meeting at 6:40 p.m.

ATTEST:


Jessica McKeown, Finance Officer



DATE: 12/3/19

BY: 

David Ruth Jr., Mayor

Published once at the total approximate cost of _____